

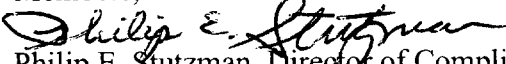


STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdcc@pdc.wa.gov • Website: www.pdc.wa.gov

MEMORANDUM

TO: Members, Public Disclosure Commission
FROM: 
Philip E. Stutzman, Director of Compliance
DATE: June 20, 2006
SUBJECT: Alfred J. Kiefer, Jr. – Apparent Failure to File Personal Financial Affairs
Statement, PDC Case 06-472

LAW

RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts, states in part: “(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year...”

RCW 42.17.241 details the content required in each report.

FACTS

Summary: Alfred J. Kiefer, Jr. is a Fire Commissioner for Whatcom County Fire Protection District No. 10. His term of office ends in the year 2009. **(Exhibit 1)** Mr. Kiefer held office during 2005 and was required to file a Statement of Financial Affairs (PDC form F-1) by April 17, 2006. On May 16, 2006, Mr. Kiefer was sent a letter informing him that the F-1 report due by April 17, 2006 had not been received. The letter stated that he needed to file before June 2, 2006 to avoid the possibility of enforcement. **(Exhibit 2)** The F-1 report has not been received.

Past History – In 2002, in Case #02-466, Mr. Kiefer was a Fire Commissioner in Whatcom County Fire Protection District No. 10. He was required to file a Statement of Financial Affairs by April 15, 2002. The F-1 was not filed. A brief enforcement hearing was held and Mr. Kiefer



was found in violation of RCW 42.17.240 and was assessed a civil penalty of \$150. The penalty was not paid, and on January 9, 2003, the case was sent to the Attorney General's Office for further action.

In 2003, in Case #03-342, Mr. Kiefer was a Fire Commissioner in Whatcom County Fire Protection District No. 10. He was required to file a Statement of Financial Affairs by April 15, 2003. The F-1 was not filed. A brief enforcement hearing was held and Mr. Kiefer was found in violation of RCW 42.17.240 and was assessed a civil penalty of \$300. The penalty was not paid.

Also in 2003, in Case #04-130, Mr. Kiefer was a candidate for re-election to the position of Fire Commissioner. He ran unopposed and was elected. As a candidate, Mr. Kiefer was required to file a Statement of Financial Affairs within two weeks of becoming a candidate. The F-1 report was not filed, and at a brief enforcement hearing, the Presiding Officer asked that the full Commission hear the case. On December 10, 2003, the full Commission heard the case and found Mr. Kiefer in violation of RCW 42.17.240, assessing a civil penalty of \$1,000. Mr. Kiefer participated in that hearing by telephone. The Commission suspended \$500 of the penalty on the condition that Mr. Kiefer pays all outstanding penalties within 30 days of the date of the Order. On February 24, 2004, the Commission determined that Mr. Kiefer violated the terms for receiving a suspended penalty and revoked the suspension, making the entire \$1,000 penalty due. This brought Mr. Kiefer's total outstanding penalties to \$1,450.

In 2004, Mr. Kiefer was a Fire Commissioner for Whatcom County Fire Protection District No. 10. He was required to file a Statement of Financial Affairs by April 15, 2004. The F-1 was not filed. Because Mr. Kiefer had been found in violation on three prior occasions for failing to file his F-1 report and had outstanding penalties totaling \$1,450, PDC staff presented a report to the Commission on August 24, 2004, and recommended that the Commission find an apparent violation of RCW 42.17.240 and refer the matter to the Office of the Attorney General for appropriate action, including a court order compelling Mr. Kiefer to file the disclosure reports

required by RCW 4217.240. At its August 24, 2004 meeting, the Commission found an apparent violation of RCW 42.17.240 and referred to the matter to the Office of the Attorney General. The Attorney General's office filed an action against Mr. Kiefer in Superior Court and obtained a judgment against him.

In 2005, Mr. Kiefer timely filed his F-1 report on April 15, 2005.

CONCLUSION AND RECOMMENDATION

Alfred J. Kiefer, Jr. is a Fire Commissioner for Whatcom County Fire Protection District No. 10. His term of office ends in the year 2009. Since 2002, he has been found in violation on three occasions for not filing a Statement of Financial Affairs, and in 2004 the Commission found an apparent violation and referred the matter to the Office of the Attorney General for appropriate action. In 2006, as a Fire Commissioner for Whatcom County Fire Protection District No. 10, Mr. Kiefer has again failed to file the annual Statement of Financial Affairs that was required to be filed by April 17, 2006.

Based on the facts specified above, staff recommends that the Commission find an apparent violation of RCW 42.17.240 by Alfred J. Kiefer, Jr. by failing to timely file a Statement of Financial Affairs by April 17, 2006. Based on these findings and its limited penalty authority, the Commission is urged to refer the matter to the Office of the Attorney General for appropriate action, including seeking a court order compelling Mr. Kiefer to file the disclosure reports required by RCW 42.17.240.

Exhibits

Exhibit 1	Jurisdiction Card
Exhibit 2	May 16, 2006 Warning Letter



Public Disclosure Commission
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Room 206
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Olympia, WA 98504-0908
(360) 753-1111 / TOLL FREE 1-877-601-2828
(360) 753-1112 (Fax)
pdc@pdc.wa.gov (Email)

PLEASE COMPLETE & RETURN TO
PDC NO LATER THAN January 13, 2006.

NAME OF JURISDICTION *W/Whatcom* Fire Protection District No. 10

COUNTY *Whatcom*

EMAIL ADDRESS

MAILING ADDRESS 2095 YEW STREET

CITY *Bellingham* ZIP CODE 98227

FAX NUMBER

Public Disclosure Commission

RECEIVED

MAR - 9 2006

LCM

NAME OF PERSON PREPARING THIS REPORT *Ethel Heyrend*

TELEPHONE NUMBER OF CONTACT PERSON 360-676-6745

EMAIL OF CONTACT PERSON *eheyrend@co.whatcom.wa.us*

*4347 F 3/15
BCT*

EXHIBIT 1

1 of 2

Please return this to PDC by January 13, 2006

List below Elected and Appointed Officials

✓ Name (Last, First, MI): Al Kiefer

Email address:

Mailing/Home Address: 1986 Yew Street Rd

City: Bellingham State: WA Zip Code: 98229

Office Held: Commissioner Position #: 1 Year Term Ends: 2009

RECEIVED

- 9 2006

Public Disclosure Commission

✓ Name (Last, First, MI): Thomas B Peterson

Email address:

Mailing/Home Address: 2108 Yew Street Rd

City: Bellingha State: Wa Zip Code: 98229

Office Held: Commissioner Position #: 2 Year Term Ends: 2011

✓ Name (Last, First, MI): Robert V Ekdahl

Email address:

Mailing/Home Address: 4915 Samish Way No. 15

City: Bellingham State: WA Zip Code: 98229

Office Held: Commissioner Position #: 3 Year Term Ends: 2007

Name (Last, First, MI):

Email address:

Mailing/Home Address:

City: State: Zip Code:

Office Held: Position #: Year Term Ends:

Name (Last, First, MI):

Email address:

Mailing/Home Address:

City: Zip Code:

Office Held: Position #: Year Term Ends:

Name (Last, First, MI):

Email address:

Mailing/Home Address:

City: State: Zip Code:

Office Held: Position #: Year Term Ends:

Name (Last, First, MI):

Email address:

Mailing/Home Address:

City: State: Zip Code:

Office Held: Position #: Year Term Ends:

EXHIBIT 1
2 of 2



WASHINGTON
PUBLIC DISCLOSURE COMMISSION

May 16, 2006

AL KIEFER
1986 YEW ST RD
BELLINGHAM WA 98229

Your F-1 is past due:

Our records indicate that you were an elected or appointed official in 2005. You are required to file an F-1 or F-1A each year to report your personal financial affairs for the previous calendar year. The F-1 was due on April 17, 2006.

Avoid enforcement and a monetary penalty for filing late:

The F-1 report must be received in our office no later than Friday, **June 2, 2006**. Faxed or e-mailed F-1 reports are not accepted. If you do not file the F-1 report by June 2, 2006, we will likely begin an enforcement action and schedule a hearing before the Commission that may result in a monetary fine.

You may file the F-1 form:

- by mail or other personal delivery – a blank form is enclosed; or
- electronically at www.pdc.wa.gov. [Click *Electronic Filing*. First-time electronic filers click *Personal Financial Affairs Filer* under Account Signup and follow the prompts to establish an account.]

NOTE: Electronic filers must print, sign and deliver the signature authorization to the Public Disclosure Commission. Electronic filings are held in a pending state until the signature authorization is received.

- The PDC does not accept faxed or e-mailed F-1 reports.
- The F-1A cannot be electronically filed.

Questions?

If you have questions, please contact Jennifer Hansen by telephone at (360) 586-4560 or 1-877-601-2828 (toll free in Washington State) or e-mail to jhansen@pdc.wa.gov.

If you believe you have already filed the F-1 or F-1A, contact PDC staff immediately. Thank you for your prompt attention to this matter.

Enclosure

EXHIBIT 2
1 of 1